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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,211	07/02/2001	Arttu Kuukankorpi	BER-018	2376

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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/898,211	Applicant(s) KUUKANKORPI ET AL.	
	Examiner Brian D. Nguyen	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 27-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 2 and 24-36 are objected to because of the following informalities:

Claim 2, line 4, it is suggested to delete "such".

Claim 24, "received data packets" in lines 6 and 13 seem to refer back to "data packet" in line 5. If this is true, it is suggested to change "received data packets" to --the received data packets--. "distribution decisions" in line 8 seem to refer back to "distribution decisions" in line 6. If this is true, it is suggested to change "distribution decisions" to --the distribution decisions--.

Claim 26, line 2, it is suggested to delete "such".

Claim 28, line 1, it is suggested to delete "(707)".

Claim 34, "received data packets" in lines 5 and 12 seem to refer back to "data packet" in line 4. If this is true, it is suggested to change "received data packets" to --the received data packets--. "distribution decisions" in line 7 seem to refer back to "distribution decisions" in line 5. If this is true, it is suggested to change "distribution decisions" to --the distribution decisions--.

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Claim 35, "received data packets" in lines 7 and 13 seem to refer back to "data packet" in line 6. If this is true, it is suggested to change "received data packets" to --the received data packets--.

Claim 36, "received data packets" in lines 4 and 10 seem to refer back to "data packet" in line 3. If this is true, it is suggested to change "received data packets" to --the received data packets--.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-23 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said particular node" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "said particular node" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 36 recites the limitation "said cluster network" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 22, 24, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Beck et al (6,665,304).

Regarding claims 1, 22, 24, and 34-36, Beck discloses a method and an apparatus for processing data packets within a network element cluster (see cluster 24 in figure 2) having a plurality of network element nodes, the network element cluster having a cluster network address (cluster alias address) common to the plurality of nodes, the method comprising the steps of: determining distribution decisions for first data packets, a first data packet being a data packet initiating opening of a packet data connection to the cluster network address, according to predetermined criteria (see col. 5, lines 46-64; col. 6, lines 53-62; col. 8, lines 49-55); selecting from the first data packets for each node of the network element cluster those first data packets, which are to be processed in the particular node, according to the distribution decisions (see also col. 5, lines 46-64 where a processor node is selected); maintaining node-specific lists (connection registration database) about opened packet data connection for which a node is responsible; and selecting from second data packets, a second data packet being a data packet relating to an opened packet data connection specified in a node-specific list for each node of the network element cluster those second data packets, which relate to connections on the node-specific list of the particular node (see col. 10, lines 7-10).

Regarding claim 2, Beck discloses each node of the network element cluster receives all data packets directed to the cluster network address and selects which data packets are processed in that particular node, on the basis of the distribution decision or on the basis of the node-specific list (see col. 10, lines 1-10).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck in view of Aiken et al (2005/0141506).

Regarding claims 3 and 26, Beck discloses the node-specific list as described in previous paragraph but does not specifically disclose adding an entry representing a new packet data connection to the node-specific list and removing an entry from the list after receiving a data packet relating to closing of a packet data connection. However, adding and removing an entry from the list such as from a routing table is well known in the art. Aiken discloses this feature (see paragraph 0031). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add and remove a routing entry as taught by Aiken in the system of Beck in order to update the node-specific list to reflect the current status of the network connections.

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9. Claims 21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck in view of Jindal et al (6,327,622).

Regarding claims 21, 23, and 25, Beck does not specifically disclose updating the predetermined criteria. However, to update a criteria is well known and is matter of choice. Jindal discloses a specialized updater object updates a lookup table to identify the preferred server (see col. 3, lines 33-46). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to update the criteria as taught by Jindal in the system of Beck in order to meet specific needs.

10. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck in view of Bestavros et al (6,370,584)

Regarding claims 17-20, Beck does not specifically disclose the distribution decisions are determined based on a hash function. However, Bestavros discloses the use of a hash function for the distribution decisions (see col. 3, lines 21-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the has function for the distribution decisions as taught by Bestavros in the system of Beck in order to meet the design criteria of a particular implementation.

Allowable Subject Matter

11. Claims 4-16 and 27-33 would be allowable if rewritten to overcome objection(s) and/or the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

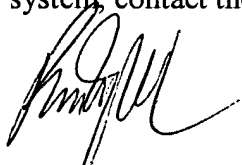
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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



1/11/06

BRIAN NGUYEN
PRIMARY EXAMINER